

REMARKS

Claims 21, 25, 26 and 30 are amended.

Claims 24, 29, and 31-33 are cancelled without prejudice, as applicants reserve the right to pursue this subject matter in one or more divisional applications.

Claims 21-23, 25-28 and 30 remain pending in this application.

Responsive to the preliminary determination of lack of unity, applicants provisionally elect Group III, claims 25-28, drawn to a method for the production of a biomolecular complex, with traverse.

The reasons for traverse follow:

PCT Rule 13.2 in Part 1b of the Annex B of the administrative instructions under the PCT specifies that "special technical features" is defined as meaning those features that define the contribution which each of the inventions, considered as a whole, makes over the prior art. Thus, PCT Rule 13.2 is art-based and requires the citation of a publication showing the "special technical feature".

The cited publication offered in the Official Action discloses drug candidates, and does not disclose the subject matter of claims 21-23, 25-28, and 30.

Therefore, absent any showing that the "special technical feature" shared by the pending claims 21-23, 25-28, and

30 is present in a prior art publication, no determination of lack of unity can properly be made.


Furthermore, in applying this same legal standard with similar claims, the International Searching Authority did not determine the unity of invention as lacking. Thus, the Patent Office has the benefit of the search report, but fails to explain why a different legal conclusion was reached.

In view of the above, it is believed that the lack of unity determination set forth in the Official Action is improper and should be withdrawn. A favorable action on the merits of all pending claims 21-23, 25-28 and 30, in their full scope, is therefore respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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